

Minutes not yet approved.
Approval and any edits made
in succeeding minutes.

BROOKFIELD WATER POLLUTION CONTROL AUTHORITY

53A Commerce Road, Unit 1, Brookfield, CT 06804

Wednesday, January 24, 2024, 7:00 p.m.

MINUTES

1. Convene Meeting: 7:00 PM

WPCA:

N. Malwitz, Chair
L. Trojanowski-Marconi, Vice Chair (via Zoom)
L. Donovan, Member
M. Brown, Member (via Zoom)
M. Wolk, Alternate

Others:

L. McMahon, Langan Engineering
S. Harding, Commission Attorney
M. Allred, Accountant
A. Kennedy, Operations Manager
K. McPadden, Executive Administrator
M. Ongaro, Collection Specialist
R. Prinz, Chief of Maintenance
T. Strid, Inspector
E. Boisvert, Recording Secretary

2. Approval of Minutes - 11/15/23 Meeting - L. Donovan made a motion to approve the 11/15/23 regular meeting minutes as written. M. Wolk seconded the motion, and it carried unanimously.

3. Correspondence/Public Comment/Informal Discussion

- a. Email from David Day P.E., Superintendent of Public Utilities, City of Danbury dated 1/19/24** - N. Malwitz reviewed email correspondence with David Day regarding the status of the capacity allowance from the City of Danbury. D. Day responded that Brookfield still needs to confirm with CT DEEP that the I&I study submitted in late October is satisfactory. Chairman N. Malwitz continued to read D. Day's responses to additional questions in the email. The Commission discussed the fact that we still have not received last year's bill from Danbury. Chairman N. Malwitz also noted a discussion he had with Gary Michael regarding the additional capacity and why Brookfield is not acknowledging the higher limit. Chairman Malwitz said he emailed Antonio Iadarola in hopes for some additional clarification. Attorney S. Harding and the Commission discussed the next steps that would be needed to amend the Interlocal agreement.
- b. Email from William Sweeney, Esq., Attorney for AR Builders, dated 1/22/24** – Chairman N. Malwitz reviewed an email correspondence with *William Sweeney, Esq., Attorney for AR Builders*, regarding the status of Brookfield's increased sewer capacity and the delays.

4. Accountant Report

- a. Monthly Financials** - M. Allred reviewed the monthly financial reports.
- b. Vouchers (December and January)**
- A. December** - K. McPadden reviewed the vouchers for the month of December.
L. Trojanowski-Marconi made a motion to approve the December vouchers as presented. M. Brown seconded the motion, and it carried unanimously.
- B. January** - K. McPadden reviewed the vouchers for the month of January. L. Donovan questioned the reimbursement to Chairman N. Malwitz. Chairman Malwitz explained that when the GoDaddy website was up for renewal, his credit card was automatically charged as he didn't have the Brookfield WPCA credit card info updated prior to the billing. It was agreed to reimburse Chairman Malwitz and to ensure that the billing information on the account is properly updated.

L. Trojanowski-Marconi made a motion to approve the January vouchers as presented. L. Donovan seconded the motion, and it carried unanimously.

5. Old Business

- a. 128 Federal Road - Application to Connect (continued from 11/2023)** - L. McMahon reviewed the details of the application to connect for 128 Federal Rd. *Michelle Morris-Micoli of Artel Engineering was present.* M. Morris-Micoli said they already have approval from the Inland Wetlands Commission. L. McMahon stated all revisions have been satisfactory and an approval letter from Lagan was issued. K. McPadden noted that this property was never assessed and will be subject to a 2% Capital Cost Reduction Connection Charge once it is built.

N. Malwitz made a motion to approve the Connection Application for 128 Federal Road upon recommendation of a letter from Lagan Engineering dated 1/15/2024. L. Donovan seconded the motion and it carried unanimously.

- b. CT DEEP & Danbury Capacity Update**

Previously discussed in Agenda item 3a.

- c. Lagan Capacity Prediction Report Update**

L. McMahon gave an overview of the revised Sewer Capacity Analysis since adding the information that was requested in the November 2023 meeting. L. McMahon stated that she wanted to verify that the baseline number is correct and A. Kennedy stated she would work with L. McMahon to verify the numbers. Chairman N. Malwitz proposed that L. McMahon work with M. Brown to come up with a preliminary proposal for revising the regulations, assuming the new Interlocal agreement is in place. This can be discussed at the next meeting with the Commission. Chairman Malwitz suggested working on this mid-February. A. Kennedy asked if Attorney Harding should be involved in this meeting. Chairman Malwitz and M. Brown agreed that this discussion would be preliminary, and they can bring Attorney Harding in after the initial discussion.

6. New Business – No New business was discussed.

7. Study Updates

- a. Candlewood Lake Area Study**

A. Sewer Extension Survey

The Commission discussed the draft of the survey provided by CDM Smith. Chairman N. Malwitz said they will utilize JotForm to administer the survey online, as well as a postcard being mailed to the property owners. A. Kennedy suggested an edit to the wording, suggesting to add the word “Required” on the line for property address, which was agreed upon by the Commission. K. McPadden said we need to clarify with CDM Smith whether they will be sending out the survey and compiling the results, or if that work will need to be done in house.

- b. Dean/Pocono Road Area Study**

A. National Fish and Wildlife Foundation Grant Agreement - Review and authorize execution of grant contract.

There was discussion regarding the requirements of the grant and what steps need to be taken. A. Kennedy stated that the first step would be to execute the Grant Agreement, step two would be to review the QAPP (*Quality Assurance Project Plan*) that CDM Smith is currently working on and submit that to LISFF. The next step may be to have an RFP prepared to go out to bid for an engineer for the final design phase. CDM Smith will be asked to weigh in and prepare the RFP, if needed.

N. Malwitz made a motion to authorize A. Kennedy to sign the contract for the Grant Agreement on behalf of the WPCA. L. Donovan seconded the motion and it carried unanimously.

- B. QAPP (Quality Assurance Project Plan) – CDM Smith prepared a draft of the document and it is pending submission to the National Fish and Wildlife Foundation.**

8. Project Updates**a. Brookfield Market Area - Updated Quote Comparison**

A. Kennedy gave an update and stated that the WPCA received a revised quote from TD & Sons which still came in below the other received bids. There was a discussion on the original design, the total project costs, and the assessments. The potential costs of the project and the out-of-pocket expenses was also discussed. M. Brown stated he did not feel that the Commission was ready to decide on the quote at this time. It was determined that the WPCA needs more answers to questions that were raised in regards to any changes in the plans and if they will be acceptable under terms of the STEAP grant, prior to accepting and signing the bid. There was a suggestion to have a special meeting once the answers to those questions have been answered.

b. Route 133 Station Project Phase II

A. Kennedy gave an update regarding the RFP and noted the bid opening is scheduled for February 2, 2024.

A. IES Proposal for Structural Engineering Services

L. McMahon reviewed the proposal from IES for structural engineering services. She explained this bid is higher than the previously approved engineering company.

L. Donovan made a motion to accept the proposal from Integral Engineering Services, for a total of \$11,500.00. L. Trojanowski-Marconi seconded the motion and it carried unanimously.

c. Other Engineering Matters

No other engineering matters were discussed.

9. Employee Activity Reports

A. Kennedy noted that there are no formal employee reports to review today, as the staff meeting was held later than usual. She reported that T. Strid and R. Prinz put together a sanitary manhole inspection report for customers, which was very impressive. The report has a map that accompanies the actual report which maps out exactly where on the property the manholes are and shows priority level of the issues that were discovered during inspection. K. McPadden gave a brief synopsis of her report, including the recent 2% CCRCC billings. There was a discussion regarding private sewage systems that are not connected to the sewer and what steps were needed to be taken in order implement a PMA for the communities in question. R. Prinz gave a review of the current flow numbers.

10. Legal Matters**a. Collection Update**

Attorney Harding gave an update on the collections letters that were sent out based on the list he received from the WPCA Staff. A. Kennedy asked to be more involved in the collection processes to set up a system of checks and balances.

b. Other Legal Matters - No discussion.**11. Other WPCA Matters****a. 53 Commerce Road Association**

A. Kennedy asked for guidance from the Commission on next steps needed in this situation. She explained there is a member of the Association that does not recognize herself or K. McPadden as authorized members of the board, despite the resolution made by the Commission and communication with Attorney S. Harding. She said the other problem is the WPCA has been overpaying their common charges from day one, due to the billing from Don Longo not reflecting the correct amount as detailed in the bylaws. Despite requests to correct the amount, the common charges have not been revised. Attorney S. Harding has been in contact with Don Longo's attorney, Tim Deakin, who was the attorney who drafted the bylaws, and Attorney Deakin is in agreement that the WPCA is not being charged correctly. However, at this time, we are unaware whether Don Longo is in agreement with his attorney. Attorney S. Harding said ultimately these issues could be resolved in court but we are trying to avoid that. He noted that one option is to pay the correct amount of common charges despite being charged incorrectly. Attorney Harding will continue

communicating with Attorney Deakin in an attempt to resolve the issues.

b. Code of Conduct

The Commission reviewed a draft of the Code of Conduct that was prepared by L. Donovan. Attorney Harding brought up some legal issues with the terminology in the draft and suggested that one section be removed as to not violate any employment laws. It was agreed that Attorney Harding would further review and compare it to the town's Code of Ethics policy and the code of conduct would be further discussed at next month's meeting.

L. Donovan made a motion to enter into Executive Session at 9:24 p.m. for the purpose of discussing pending litigation, inviting Attorney S. Harding, A. Kennedy and K. McPadden to join. M. Wolk seconded the motion and it carried unanimously.

- 12. Executive Session-Pending Litigation - A motion was made by L. Donovan to come out of Executive Session at 9:37 pm. L. Trojanowski-Marconi seconded the motion and it passed unanimously.**

Note: No motions were made during Executive Session.

A motion was made by L. Trojanowski-Marconi to deny the settlement offer as provided by the Plaintiff in the 701 TPA Application. The motion was seconded by L. Donovan and passed unanimously.

- 13. Adjournment - A motion was made by L. Donovan to adjourn the meeting at 9:39pm. The motion was seconded by M. Brown and passed unanimously.**

*** Next Regular Meeting February 28, 2024 ***